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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/036,275 | 10/24/2001 | William D. Tierney | M1103.70260US00 | 3532 |

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| EXAMINER |
|---------------|
| TANG, KAREN C |

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2151 | |

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/036,275 | Applicant(s) TIERNEY ET AL. | |
| | Examiner Karen C. Tang | Art Unit 2151 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 and 41-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 41-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/06 has been entered.
- Claims 1-39 and 41-47 are presented for further examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 14, 27, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not mention "private space" anywhere within the embodiment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 14-18, 27-31, and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,158,011) in view Conner et al hereinafter Conner (6,816,882).

1. Referring to Claims 1, 14, 27, and 41, Chen disclosed

(a) using client software (client software 20, refer to Col 9, Lines 45-67) operating in a first device and a second device to connect a first user of the first device to a second user of the second device (peer to peer which connected without a server), without the assistance of a server so that collaborative is sent directly between the first user and second user without an intervening server, the first user having a first identity in a shared private space and the second user having a second identity in the shared private space (in the VPN environment, the peer and peer relationship, each contains its own identify and has the shared private space, refer to 36, 37, 20 in Fig 6).

(b) sending a request from the management server to the first user to become a managed entity (Col 1, Lines 55-67 and Col 2, Lines 1-13);

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(c) downloading from the management server to the client software a definition file (encrypt files, Col 4, Lines 1-10) containing a definition of the managed entity (refer to Col 4, Lines 20-35), and

(d) associating information in the definition file with the first user identity and device information in the client software operating in the first device in order to create the managed entity (refer to Col 4, Lines 3-21, when generating session key, the unique user ID is also generated for the device in the datagram that is to be sent to the client, in order to create the managed entity.).

2 Referring to Claims 2, 15, 28, and 42, Chen discloses wherein the managed entity is a managed user (peer to peer, managed by the server, refer to Col 9, Lines 45-67) and the definition information file is an injectible identity file (refer to encrypted files, refer to Col 9, Lines 45-67 and Col 10, Lines 1-15).

3. Referring to Claims 3, 16, 29, and 43, Chen discloses wherein the managed entity is a managed device (peer to peer, managed by the server, refer to Col 9, Lines 45-67) and the definition file is a device information file (refer to encrypted files, refer to Col 9, Lines 45-67 and Col 10, Lines 1-15, that the encrypted file contained the device information file.).

4. Referring to Claims 4, 17, 30 and 44, Chen discloses wherein the device file (refer to Col 3, Lines 40-56 it is inherent that Windows Operating System provides the Windows Reg Files)

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5. Referring to Claims 5, 18, 31 and 45, Chen discloses (e) sending at least one license file from the management server to the managed user (refer to Col 9, Lines 45-67); and (f) in response to information in the license file, enabling at least one function in the client software (refer to Col 10, Lines 1-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-12, 19-25, 32-38, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,158,011) in view Conner et al hereinafter Conner (6,816,882).

6. Referring to Claims 6, 19, 32 and 46: Chen discloses license file (refer to Col 9, Lines 45-67). Chen did not expressly disclosed (g) sending at least one policy restriction file from the management server to the managed user; and (h) in response to information in the policy restriction file, restricting at least one function in the client software.

Conner disclosed (g) sending at least one policy restriction file (SLA, refer to Col 10, Lines 40-67 and Col 9, Lines 1-10) from the management server to the managed user; and (h) in response to information in the policy restriction file, restricting at least one function in the client software (the SLA comprising policy which restricted the function(s) in the applications and Col 14, Lines 1-40).

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At the time of the invention, it would have been obvious of ordinary skill in the art to combine Chen and Connor, the inventions are analogous about service being provided from the server to client environment and the clients has to subscribe such a service to be managed.

The suggestion/motivation would have been that by having a policy management, it provides more strict management rules to control the changes of updates as well as supporting different skill sets within the network.

7. Referring to Claims 7, 20 and 33: Chen did not expressly disclose j) creating a client list of licensed components and policy restrictions in the client software of the managed user (old version number, refer to Col 22, Lines 14-25 and certification, refer to Col 22, Lines 45-67); (j) sending the client list to the management server (Col 39, Lines 54-67, and Col 40, Lines 1-12), (k) creating a server list of licensed components and policy restrictions in the management server (refer to Col 11 and Col 12); (l) comparing the client list to the server list (refer to Col 20, Lines 12-67); and (m) adjusting and synchronizing the components in the client software based on the comparison on step (k) (refer to Col 22, Lines 15-30).

Conner disclosed i) creating a client list of licensed components and policy restrictions in the client software of the managed user (version management, policy management, refer to Col 9, Lines 35-67 and Col 9, Lines 1-12); (j) sending the client list to the management server (Col 39, Lines 54-67, and Col 40, Lines 1-12), (k) creating a server list of licensed components and policy restrictions in the management server (refer to Col 13, Lines 42-67); (l) comparing the client list to the server list (version management, and policy management, do the comparing with the server, refer to Col 9, Lines 35-56 and Col 13, Lines 40-67); and (m) adjusting and

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synchronizing the components in the client software based on the comparison on step (l) (refer to Col deployment, refer to Col 9, Lines 35-56 and Col 10, Lines 45-67).

At the time of the invention, it would have been obvious of ordinary skill in the art to combine Chen and Connor, the inventions are analogous about service being provided from the server to client environment and the clients has to subscribe such a service to be managed.

The suggestion/motivation would have been that by having a policy management, it provides more strict management rules to control the changes of updates as well as supporting different skill sets within the network.

8. Referring to Claims 8, 21, and 34 Chen discloses (m) comprises downloading and installing licensed components (encrypted files, refer to Col 9, Lines 45-67, which are not on clients) from the management server to the client software which components are on the server list and are not on the client list.

9. Referring to Claims 9, 22 and 35, Chen discloses wherein getting license from the server (refer to Col 9, Lines 45-67). Chen did not expressly disclose step (1) comprises revoking licenses in the client software of components are on the client list and are not on the server list.

Connor disclose step (1) comprises revoking licenses in the client software of components are on the client list and are not on the server list (refer to Col 13, Lines 60-67 and Col 14, Lines 33-38).

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At the time of the invention, it would have been obvious of ordinary skill in the art to combine Chen and Connor, the inventions are analogous about service being provided from the server to client environment and the clients has to subscribe such a service to be managed.

The suggestion/motivation would have been that by having a policy management, it provides more strict management rules to control the changes of updates as well as supporting different skill sets within the network.

10. Referring to Claim 10, 23 and 36, Chen did not expressly disclosed wherein steps (j) to (m) are repeated periodically.

Conner disclosed wherein steps (j) to (m) are repeated periodically (refer to Col 13, Lines 40-67).

At the time of the invention, it would have been obvious of ordinary skill in the art to combine Chen and Connor, the inventions are analogous about service being provided from the server to client environment and the clients has to subscribe such a service to be managed.

The suggestion/motivation would have been that by having a policy management, it provides more strict management rules to control the changes of updates as well as supporting different skill sets within the network.

11. Referring to Claims 11, 24, and 37 Chen did not expressly disclose

Conner disclosed (n) periodically receiving event notifications and statistical information from the client software of the managed user to the management server (refer to Col 13, Lines 55-67).

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At the time of the invention, it would have been obvious of ordinary skill in the art to combine Chen and Connor, the inventions are analogous about service being provided from the server to client environment and the clients has to subscribe such a service to be managed.

The suggestion/motivation would have been that by having a policy management, it provides more strict management rules to control the changes of updates as well as supporting different skill sets within the network.

12. Referring to Claims 12, 25 and 38, Chen discloses wherein the event notifications include error notifications (refer to Col 11, Lines 40-67)

At the time of the invention, it would have been obvious of ordinary skill in the art to combine Chen and Connor, the inventions are analogous about service being provided from the server to client environment and the clients has to subscribe such a service to be managed.

The suggestion/motivation would have been that by having a policy management, it provides more strict management rules to control the changes of updates as well as supporting different skill sets within the network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 13, 26, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,158,011) in view Conner et al hereinafter Conner (6,816,882) in further view of Peinado et al hereinafter Peinado (US 6,816,596).

13. Referring to Claims 13, 26 and 39, Chen nor Connor did not disclosed wherein event notifications and statistical information are temporarily stored in a memory located at a client site.

Peinado disclosed wherein event notifications (old version number, refer to Col 22, Lines 14-25) and statistical information (certification, refer to Col 22, Lines 45-67) are temporarily stored in a memory locate at a client site (refer to Col 21, Lines 60-67).

At the time of the invention, it would have been obvious of ordinary skill in the art to combine Chen, Connor and Peinado, the inventions are analogous about service being provided from the server to client environment and the clients has to subscribe such a service to be managed.

The suggestion/motivation would have been that by having a policy management, it provides more strict management rules to control the changes of updates as well as supporting different skill sets within the network. By storing the event notification and statistical information at the client site, so that the server can have the back up information in case the system fails.

Response to Arguments

Applicant's arguments with respect to claims 1-39, 41-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Tang


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER